

DETAILED ACTION

1. This action is in response to amendments received 12/22/2009. Claims 9, 15, 21-24, 26-27, 29-30, and 32 are pending in the application, with claims 15, 22, 23, 26, and 30 currently amended, and claims 25, 28, and 31 cancelled.

Priority

2. Applicant is reminded that there is no probative evidence to suggest that the instant invention was conceived or reduced to practice earlier than December 31, 1999, which is the date used by the Examiner for the effective filing date of the instant application for purposes of this Office Action. A full explanation of this calculation was presented in an Office Action mailed 3/18/2008.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: element **80** in Figure 15. The specification states that the arcade style control module is generally indicated at **180**. See specification page 20, paragraph 41. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37

CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9, 15, 22-24, 26-27, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,850,539 to Cook et al. (hereinafter "Cook") in view of U.S. 7,113,609 to Neidich et al. (hereinafter Neidich) and U.S. 5,714,981 to Scott-Jackson et al. (hereinafter Scott).

Cook teaches a system to facilitate the creation of a rack-mountable component personal computer (see 15:48-51). The resultant personal computer is referred to as an "apparatus" by the Examiner. The elements of said apparatus are described in further detail below as they relate to the claimed invention. It should be noted that Cook explicitly teaches his system is designed to *facilitate in the production of* the apparatus. The Examiner finds that *the apparatus whose production is facilitated* reads on the above noted claims because Cook teaches that the purpose of his invention is to facilitate and design the apparatus *and* aid its production. However, should it be determined that Cook fails to actually teach the apparatus itself, it cannot be disputed that Cook teaches a system and method to facilitate its design. In that case, it would

have been obvious to one of ordinary skill in the art at the time of invention to produce the apparatus designed in Cook in order to provide easy access for connection, service, and maintenance purposes in computer components, as is favorably taught by Cook in at least 1:49-51.

Regarding claim 15, Cook teaches a video game apparatus, comprising:

- a housing having a support for a video monitor therein (e.g., rack housing with monitor 1210; see at least fig. 13);
- a platform below the video monitor ("if a 42-unit rack includes a keyboard 219 or a monitor 222, then a shelf is required"; see 7:40-42 and monitor 1210 and keyboard shelf 1010 in Fig. 13);
- an enclosure below the platform, the enclosure sized to receive a plurality of different video game systems (one or more servers may be added to the rack; see at least 13:18-29);
- and a control module (e.g., keyboard/monitor/mouse switch box 1410 or 225; see at least Figs. 14-15 and 7:53-55) communicating with the video monitor and comprising an arcade control for a video game (e.g., keyboard 1010; see at least fig. 11), the control module structured to be compatible for use with a plurality of different video game systems (e.g., servers installed in the rack).

The Examiner notes that the server computers are "video game systems" according to the scope of the instant claims (e.g., describing a PC computer as a video game system, further discussed below) because the server computers are useful for

playing video games. It is further noted that the terms "server" and "PC" are used interchangeably in Cook.

Cook lacks in explicitly teaching (1) a projection above the video monitor that includes a speaker and (2) two game control systems, with each game control system comprising a joystick and a plurality of round buttons.

Relating to part (1), Neidich teaches a virtual multichannel speaker system positioned above a monitor (see at least Fig. 6). Neidich shows in Figure 5 the multichannel speaker system in connection with a personal computer. Neidich also teaches matching the speakers to a width of an underlying support surface such as a computer monitor in 5:34-40.

Relating to part (2), Scott teaches a game port communication apparatus and method allowing for multiple joystick devices to be used with a personal computer. Scott states in the background section, "Many computers such as an IBM PC®, XT, AT, 386 and/or 486 (or compatible) computer or a Macintosh® computer are provided or retrofitted with a gameport" (1:11-13). "Typically, a joystick permits connection of two variable resistors to two of the lines, and one to four button or trigger signals over one to four of the remaining lines...A second joystick may provide for coupling of first and second variable resistors through two additional lines" (1:25-30). Therefore, Scott makes clear that it is well known to use one or more joysticks with a standard or retrofitted PC or Macintosh computer. Moreover, Scott shows two joysticks, each having two round buttons in Figure 2. Finally, Scott shows four joysticks, each having four round buttons, connected to an expansion box in Figure 6.

Therefore, the claimed invention would have been obvious because all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art. See *KSR International Co. v. Teleflex Inc.*

Claim 22 contains features similar to claim 15, and also recites at least one controller located within the single housing; and a control device interconnected to the controller, by which operation of the video game control system may be controlled to play selectively from the plurality of different video game systems. Similarly, claim 26 recites a control module comprising an arcade control, the control module structured to be compatible for use with the plurality of different game systems. Such control system is taught by Cook's keyboard 1010, Cook's keyboard/monitor/mouse switch box 1410, and/or Scott's joystick(s). See Cook column 7, lines 53-55 and Scott Figure 2.

Regarding claims 23-24, 27, and 30, Cook teaches one or more servers may be added to the rack in at least 13:18-29. The claims are interpreted to include a situation where two video game systems exist in the form of two distinct PC-based computer systems. Moreover, Scott teaches that both PC and Macintosh computers are well known in the art (see explanation of claim 15).

Regarding claim 9, Cook teaches a switching system (e.g., keyboard/monitor/mouse switch box 1410; see at least Figs. 14-15 and 7:53-55) structured to allow a user to select which of the plurality of different video game systems are to be operated.

Regarding claim 26, Cook teaches an apparatus, comprising: a control module (e.g., keyboard 1010) comprising an arcade control (e.g., respective buttons on keyboard), the control module structured to be compatible for use with a plurality of different game systems (see at least 7:53-55).

Regarding claim 28, Beasley shows that the arcade control comprises a plurality of buttons on the keyboard 1010.

6. Claims 21, 29, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook, Neidich, and Scott in view of U.S. 6,359,610 to Shah et al. (hereinafter Shah).

The combination of Cook, Neidich, and Scott teaches the invention substantially as described above, but lacks in explicitly teaching wireless communication between the control module and the plurality of video game systems. Shah describes a wireless interface system comprising a set of input ports for keyboard, pointing device, and joystick signals to be sent wirelessly over a single wireless communication link to control a computer (see abstract). Shah teaches that such a system may use radio frequency or infra-red wireless communication methods (8:24-30). Furthermore, Shah shows that multiple transmitters may be used within a single system using the same frequency (see 7:40-54 and Fig. 2). Moreover, Shah teaches that it is advantageous to provide a wireless communication link based on using a single transmitter so that any degradation in performance caused by interference from a multiplicity of transmitters is avoided (see 2:50-57). Therefore, the claimed invention would have been obvious because all the claimed elements were known in the prior art and one skilled in the art could have

combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art. See *KSR International Co. v. Teleflex Inc.*

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. McCulloch whose telephone number is (571) 272-2818. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. H. M./
Examiner, Art Unit 3714
4/1/2010

/Scott Jones/
Primary Examiner, Art Unit 3714